



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Walke et al.

Application No.: 10/038,288

Filed: November 9, 2001 Group Art Unit: 1645

Title: Novel Human Secreted Proteins and
Polynucleotides Encoding the Same Atty Docket No.: LEX-0268-USA

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF APPLICATION - FILING DATE GRANTED**

Commissioner for Patents

Arlington, VA 22202

Attention: Box Missing Parts

Sir:

In response to the "Notice to File Missing Parts of Application - Filing Date Granted" mailed by the U.S. Patent and Trademark Office on May 6, 2002, Applicants submit the following documents to complete the filing requirements of the above-identified application:

1. Executed Declaration and Power of Attorney;
2. Return copy of Notice to File Missing Parts of Application - Filing Date Granted;
3. Sequence Listing in CRF on diskette; and
4. Verified Statement regarding Sequence Listing.

The U.S. Patent and Trademark Office is hereby authorized to charge the following fees to Lexicon Genetics Incorporated Deposit Account No. 50-0892:

1. Statutory basic filing fee	\$370.00
2. Surcharge Fee for filing declaration on a date later than the filing date of the application per 37 CFR 1.492(e)	\$65.00
3. Additional Claim Fee for Independent Claims over (3) - 4	\$168.00

TOTAL \$603.00



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4. The Commissioner is hereby authorized to charge any additional fees associated with this paper communication or credit any overpayment to Deposit Account No. 50-0892.

The documents submitted herewith complete the filing of the above patent application. This form is being submitted in duplicate.

Respectfully submitted,

July 3, 2002
Date

Lance K. Ishimoto by David W. Hobbs *Reg. No. 41,071*

Lance K. Ishimoto Reg. No. 41,866

LEXICON GENETICS INCORPORATED
Telephone No.: (281) 863-3333

Enclosures

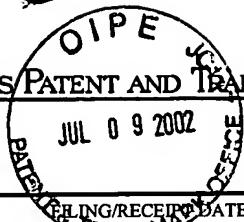


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UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FLING/RECEIVED DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/038,288	11/09/2001	D. Wade Walke	LEX-0268-USA

24231
LEXICON GENETICS INCORPORATED
8800 TECHNOLOGY FOREST PLACE
THE WOODLANDS, TX 77381-1160

CONFIRMATION NO. 6712

FORMALITIES LETTER



OC000000008035610

Date Mailed: 05/06/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/16/2002 BABRAHA1 00000010 500892 10038288

FILED UNDER 37 CFR 1.53(b)

01 FC:201	370.00 CH
02 FC:205	65.00 CH
03 FC:202	168.00 CH

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- Additional claim fees of **\$168** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$603** for a Small Entity

- **\$370** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$168**
 - **\$168** for 4 independent claims over 3.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Please type a plus sign (+) inside this box →



MP \$
Box 500

PTO/SB/21 (08-00)

Approval for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

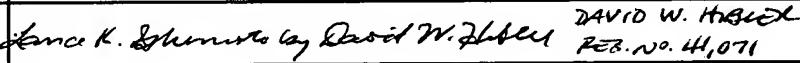
(to be used for all correspondence after initial filing)

		Application Number	10/038,288
		Filing Date	Nov 9, 2001
		First Named Inventor	Walke, D. Wade
		Group Art Unit	1645
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	14	Attorney Docket Number	LEX-0268-USA

ENCLOSURES (check all that apply)

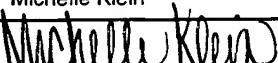
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Return Postcard - Part 2 of Notice to File Missing Parts - Sequence Listing in CRF on diskette - Verified Statement regarding Sequence Listing - Executed Declaration/POA
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks 2 sets of Declarations/POA = 4 pages		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Lexicon Genetics Incorporated Lance K. Ishimoto Reg. No. 41,866	  DAVID W. HABER REG. NO. 44,071
Signature	Lance K. Ishimoto by David W. Haber	24231 PATENT TRADEMARK OFFICE
Date	July 3, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Arlington, VA 22202 on this date:

Typed or printed name	Michelle Klein	Date	July 3, 2002
Signature			

RECEIVED

FEB 12 2002

O I P E
JULY 10



BIOTECHNOLOGY
SYSTEMS
BRANCH

0590 0450
2115

CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 10/038,288

Filing Date: 11/9/2001

Date Processed by STIC: 1/19/2002

STIC Contact: Mark Spencer, 703-308-4212

Nature of Problem:

The CRF (was):

(circle one) Damaged or Unreadable (for Unreadable, see attached)

Blank (no files on CRF) (see attached)

Empty file (filename present, but no bytes in file) (see attached)

Virus-infected. Virus name: _____ The STIC will not process the CRF.

Not saved in ASCII text

Sequence Listing was embedded in the file. According to Sequence Rules,
submitted file should only be the Sequence Listing.

Did not contain a Sequence Listing. (see attached sample)

Other: _____

PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.

SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom, including:

1. **EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>>, EFS Submission**

User Manual - ePAVE

2. U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202

3. **Hand Carry directly to:**

U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name,
Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202

Or

U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two,
2011 South Clark Place, Arlington, VA 22202

4. **Federal Express, United Parcel Service , or other delivery service to:** U.S. Patent and Trademark Office,
Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202



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Applicant(s): Walke *et al.*

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Filed: November 9, 2002 Group Art Unit 1645

Title: Novel Human Secreted Proteins and
Polynucleotides Encoding the Same

Attorney Docket No.: LEX-0268-USA

VERIFIED STATEMENT UNDER 37 C.F.R. § 1.821(f)

Assistant Commissioner for Patents
Arlington, VA 22202

Sir:

I, Drenda D. Thomas, do declare and state as follows:

1. I prepared a Sequence Listing in paper and computer readable form under 37 C.F.R. § 1.821 - 1.825 in connection with the above-captioned patent application.

2. I hereby state that the contents of the paper and computer readable copies of the Sequence Listing are the same and that the computer readable form being submitted herewith does not include new matter.

July 3, 2002

Date

Drenda Thomas

Drenda D. Thomas



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